

WARREN ZONING BOARD
Minutes
December 19, 2012

The regular meeting of the Warren Zoning Board was called to order at 7:00 pm by Chairman M. Gerhardt. Also present S. Calenda, P. Attemann, Vice Chairman A. Harrington and Andrew Ellis.

M. Gerhardt purposed a change in the order of the agenda, to move the Zoning Board of Appeals forward. A motion was made by A. Harrington to adjourn the Zoning Board meeting. Second by S. Calenda. The meeting was adjourned at 7:01pm.

The regular meeting of the Warren Zoning Board was reconvened at 9:01 pm by Chairman M. Gerhardt. Also present S. Calenda, P. Attemann, Vice Chairman A. Harrington and Andrew Ellis.

Approval of Minutes: October 17, 2012 meeting. A. Ellis requests "plain" to be replaced with "plane" in Application 12-24. It was moved by A. Harrington to accept the minutes with the noted changes. Second by Calenda. All in favor.

Old Business:

Application #12-22,DJ Development Corp., owner and applicant; 339 Market Street; Plat Map 22, Lot 26 & 26A
Special Use Permit from section 32-166

To construct an addition to the building on an existing foundation and a new foundation thereby expanding/modifying an existing Special Use Permit. (Continued from 9-19-2012 and 10-17-2012.)

It was moved by A. Harrington to continue Application #12-22, DJ Development Corp., 339 Market Street, Plat Map 22, Lot 26 & 26A, Special Use Permit from section 32-166, based on the fact there would be no quorum this evening, the applicant was notified and chose not to attend and have the application continued to the January 16, 2013, the record shall also reflect that S. Calenda will not vote on the motion. Second by A. Ellis. Chairman M. Gerhardt, P. Attemann, Vice Chairman A. Harrington and Andrew Ellis in favor.

Amended Applications:

Application #12-26 (amended), Blount Realty Company & Water Street Dock Company, Inc., owners and **Water Street Dock Company, Inc.,** applicant; 461/463 Water Street; Plat Map 6, Lots 11, 110, 111, 109, 25, 3, 98, 114, & 107

Special Use Permit from sections 32-57 and 32-74

To construct a 8,250 sq. ft. tent structure, thereby expanding a legal non-confirming use.(Continued from 10-17-2012.)

Application #12-27 (amended),Blount Realty Company & Water Street Dock Company, Inc., owners and **Water Street Dock Company, Inc.,** applicant; 461/463 Water Street; Plat Map 6, Lots 11, 110, 111, 109, 25, 3, 98, 114, & 107

Variance from section 32-78

To construct a 8,250 sq. ft. tent structure with a rear yard setback of 0 (zero) feet where 20 feet is required; have lot coverage of 34% where 30% is permitted; and have a height of 44 feet where 35 feet is permitted.

It was moved by A. Harrington to continue Application #12-26 (amended) & Application #12-27 (amended), Blount Realty Company & Water Street Dock Company, Inc., owners, to the January 16, 2013 meeting as the applicant meets with the Planning Board prior to coming before this board. Second by A. Ellis. All in favor.

New Business:

Application #12-29, Lee Hower, owner and applicant; 61 Asylum Rd; Plat Map 19, Lot 145

Variance from section 32-88 (C)

To construct a 48' x 25' one story detached garage in the front yard area where accessory structures are not permitted. No Public comment.

It was moved by A. Harrington on Application #12-29, to grant the variance to construct a 48' x 25' one story detached garage which will be approximately 80' from the road, the variance is necessary to place the structure in the formal definition of the "front yard". Second by S. Calenda. All in favor.

Application #12-30, William J. Kemp, owner and applicant; 208 Metacom Avenue; Plat Map 11, Lot 169

Variance from section 32-77

To construct a 25' 7" x 24' 3", addition to rear of existing single family dwelling with a north side yard setback of 6' 4" where a 10' setback is required. No Public comment.

It was moved by P. Atteman to approve Application #12-30, the request for a dimensional variance from section 32-77, to allow a setback of 6' 10" in lieu of the 10' 0" which is required by the ordinance for the zone it exists in, for the construction of an addition to an existing structure. The structure shall be 25' 7" x 24' 3". Second by S. Calenda. All in favor.

Application #12-31, Estate of Theresa Garafa owner and **Tyfas & Co., Inc.**, applicant; 4 Baltimore Avenue and Milwaukee Avenue; Plat Map 20, Lots 134 & 146

Special Use Permit from Article XIV, section 32-82

To unmerge Lot 134 from Lot 146 on Tax Assessor's Map 20.

Timothy V. & Rene Peloquin, 578 Child St, neighbors that abut both of the applicant's lots, don't believe the special permit should be allowed. They feel this would cause more congestion and there have been problems in the past such as a fire jumping the fence from the applicant's property to theirs'.

Kevin & Karen LaRoache, 1 Milwaukee Ave, these neighbors were concerned with the congestion as well as infringement of privacy.

It was moved by S. Calenda to grant the variance, Application #12-31, applicants Tyfas & Co., Inc. and the Estate of Theresa Garafa, c/o Susan Bettencourt, finding of fact if a residence is to be built within the setbacks that will conform to the building zone with exhibit of the site plan submitted by the applicant, that the proposed setback would be 20' from the side yard and 12' on one side yard which does meet the requirement of the substandard lot, this is a legally non-conforming lot of record and the that setback off of Milwaukee would be conforming.

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Second by A. Ellis. 4 in favor, (M. Gerhardt , S. Calenda, P. Attemann and Andrew Ellis. 1 Opposed, Vice Chairman A. Harrington .

Application #12-32, John and Joan Coyle, owners and **Charles Defreitas, Genex Homes**, applicant; 21 Terrace Avenue; Plat Map 13D, Lots 257, 258 & 259

Variance from section 32-77 of the *Warren Zoning Ordinance*

To construct a 20' x 16' one story addition to existing single family dwelling with a front yard setback of 18' where a 25' setback is required.

It was moved by A. Ellis to approve Application #12-32, Plat Map 13D, Lots 257, 258 & 259, finding of fact the existing house is 17' setback for the front yard and is consistent with other homes in the neighborhood and the proposed one story 20' x 16' addition would be setback 18' in lieu of the 25' which is required the condition would not create a nuisance or hazard and is compatible with the surrounding homes. Second by S. Calenda. All in favor.

Administrative Matters:

Correspondence from Tara Hurley, 175 Main Street—requesting clarification of the Boards decision granting permission for certain signage that was approved on October 17, 2012 under application #12-24- continued to January 16, 2013 there was no quorum.

Discussion/action on the 2013 meeting calendar – A. Harrington moved that the 2013 schedule be adopted as circulated and meetings continue to be held on the third Wednesday of each month. Second by S. Calenda. All in favor.

Consideration of items for future agendas - none

Adjourn: It was moved by A. Harrington to adjourn the meeting at 9:52 pm. Second by P. Atteman. All in favor.

Respectfully submitted
Rhonda Lee Fortin

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